

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**LISA LODISH,**

**Plaintiff,**

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

**-vs-**

**STELLAR COLLECTION SERVICES, INC.**

**Civil Action No. 5:10-cv-79  
(NPM/DEP)**

**Defendant.**

**I. INTRODUCTION**

1. This is an action for actual and statutory damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq., (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

**II. JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. Section 1692k(d) and 28 U.S.C. Section 1337.

**III. PARTIES**

3. Plaintiff is a natural person residing in the State of New York, Onondaga County, New York.

4. Defendant is an entity with its principal place of business located in Liverpool, New York. The Defendant regularly attempts to collect debts alleged to be due another.

**IV. FACTUAL ALLEGATIONS**

5. On or about October 1, 2009, Defendant mailed to the Plaintiff and the Plaintiff subsequently received a debt collection communication, a copy of which is annexed hereto as Exhibit "A".

6. As a result of the acts alleged above, Plaintiff suffered nervousness, embarrassment, and serious emotional upset.

#### V. CLAIM FOR RELIEF

7. Plaintiff repeats, realleges and incorporates by reference paragraphs one through six above.

8. Defendant violated the FDCPA. Defendant's violations were frequent and persistent and include, but are not limited to, the following:

(a) Defendant, in its communication, violated the terms of Section 1692g of the FDCPA by communicating instructions which are contrary to, and tend to obscure and contradict the requirement of that Section.

9. A trial by jury is demanded of all issues in this action.

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant in the amount of:

- (a) \$5,000.00 actual damages;
- (b) \$1,000.00 statutory damages pursuant to 15 U.S.C. Section 1692k;
- (c) Costs and reasonable attorney's fees pursuant to 15 U.S.C. 1692k;
- (d) And granting Plaintiff such other relief as may be just and proper.

Dated: December 29, 2009

Respectfully submitted,

s/ Clifford Forstadt  
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